

## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA COLUMBIA DIVISION

HARDY LASSITER III,	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION NO. 3:07-885-HFF-JRM
	§	
WILLIAM REECE; T. SUBER; OFFICER	§	
DEAN; H. A. EDWARDS; L. D. SMITH; J. L.	§	
HALL; KEN COLLINS; J. D. BURGESS;	§	
JOHN ERIC GALLMAN; SHERIFF CHUCK	§	
WRIGHT; JOHN DOE; JANE DOE; AND	§	
SPARTANBURG PUBLIC SAFETY	§	
DEPARTMENT,	§	
Defendants.	§	

## **ORDER**

This case was filed as a 42 U.S.C. § 1983 action. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that (1) the motion for summary judgment filed by Defendants Spartanburg Public Safety Department, Reece, Suber, Dean, Edwards, Smith, Hall, Collins, Burgess, and Gallman be granted; and (2) the motion to dismiss filed by Defendant Wright be granted. The Report further recommends that Defendants John Doe and Jane Doe be dismissed sua sponte without prejudice. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court.

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Mathews v. Weber, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo

determination of those portions of the Report to which specific objection is made, and the Court may

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or

recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on June 13, 2008, and the Clerk of Court entered

Plaintiff's objections to the Report on June 27, 2008. The Court has reviewed Plaintiff's objection

memorandum, but finds the objections contained therein to be without merit.

After a thorough review of the Report, the objections thereto, and the record in this case

pursuant to the standard set forth above, the Court overrules Plaintiff's objections, adopts the Report

and incorporates it herein. Therefore, it is the judgment of this Court that (1) the motion for

summary judgment filed by Defendants Spartanburg Public Safety Department, Reece, Suber, Dean,

Edwards, Smith, Hall, Collins, Burgess, and Gallman be **GRANTED** and (2) the motion to dismiss

filed by Defendant Wright be GRANTED. Further, Defendants John Doe and Jane Doe are

**DISMISSED** without prejudice.

IT IS SO ORDERED.

Signed this 22nd day of July, 2008, in Spartanburg, South Carolina.

s/ Henry F. Floyd

HENRY F. FLOYD

UNITED STATES DISTRICT JUDGE

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NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within 30 days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.